

**Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
200 Fair Oaks Lane, 1<sup>st</sup> Floor  
Frankfort, Kentucky 40601  
(502) 573-3382**

**Draft**

**AIR QUALITY PERMIT  
Issued under 401 KAR 52:030**

**Permittee Name:** Crane/FIAT/Sanymetal  
**Mailing Address:** 270 Hwy. 3057 Somerset, KY 42501

**Source Name:** Crane/FIAT/Sanymetal  
**Mailing Address:** 270 Hwy. 3057  
Somerset, KY 42501  
**Source Location:** Same as above

**Permit ID:** F-08-013  
**Agency Interest #:** 3804  
**Activity ID:** APE20080001  
**Review Type:** Conditional Major / Synthetic Minor,  
Construction / Operating  
**Source ID:** 21-199-00043

**Regional Office:** London Regional Office  
875 S. Main St.  
London, KY 40741  
(606) 878-0157

**County:** Pulaski

**Application  
Complete Date:** September 1, 2008  
**Issuance Date:**  
**Revision Date:**  
**Expiration Date:**

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**John S. Lyons, Director  
Division for Air Quality**

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**Definitions:** *The following definitions apply to all pollutants listed in this permit:*

- a. PT – total particulate matter
- b. PM10 – particulate matter equal to or smaller than 10 micrometers
- c. CO – carbon monoxide
- d. NO<sub>x</sub> – nitrogen oxides
- e. SO<sub>2</sub> – sulfur dioxide
- f. Pb – lead
- g. VOC – volatile organic compounds
- h. HAPS – methyl ethyl ketone, methyl isobutyl ketone, toluene, xylene

Rev. #	Permit type	Log #	Complete Date	Issuance Date	Summary of Action
----	Initial Issuance	54815	09/16/97	01/16/98	Construction
1	renewal	54815	09/16/02	06/18/03	Renewal
2	Admin Amend	APE20070001	03/03/07	03/07/07	Modification
3	Renewal	APE20080001	06/06/08	TBD	Renewal

## **SECTION A – PERMIT AUTHORIZATION**

Pursuant to a duly submitted application, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes, Chapter 224, and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state or local agency.

**SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS,  
AND OPERATING CONDITIONS****GROUP REQUIREMENTS:****01 (01) Manual Paint Booth, construction commenced: December 30, 1997**

**Description:** The emission point is used for manual paint touch up. The booth contains two applicators that are cleaned with a toluene based solvent and anhydrous alcohol. Solvent recovery of the toluene-based solvent is contracted to a mobile recovery source.

**Annual hours of operation:** 8760 hours/year

**Control Device:** Panel filters (particulates only)  
Solvent recovery

<b>Emission Sources:</b>	<b>Max Throughputs:</b>	<b>Pollutants:</b>
Paint	1 gal/hr	PM10, PT, VOC, HAPs
MEK, MIB, Ethyl Benzene & Xylene	1 gal/hr	VOC, HAPs

**02 (02) Automatic Paint Booth, construction commenced: December 30, 1997**

**Description:** The emission point is used for automatic painting of fabricated partitions. The booth contains two applicators that are cleaned with a toluene based solvent and anhydrous alcohol. Solvent recovery of the toluene-based solvent is contracted to a mobile recovery source.

**Annual hours of operation:** 8760 hours/year

**Control Device:** Panel filters (particulates only)  
Solvent recovery

<b>Emission Sources:</b>	<b>Max Throughputs:</b>	<b>Pollutants:</b>
Paint	3.72 gal/hr/applicator	PM10, PT, VOC, HAPs
MEK, MIB solvent	3.542 gal/hr	VOC, HAPs
Ethyl Benzene	0.02 gal/hr	VOC, HAPs

**01&02 (01&02) Solvent Usage for Paint Booths 1&2**

**Description:** This solvent associates with paint booths as is a part of the manual and automatic paint booth, and accounts for the usage of cleaning solvent to flush spray equipment lines. The Solvent is collected and recovered on site along with the associated wastes

**Annual hours of operation:** 8760 hours/year

**Control Device:** Solvent recovery

<b>Emission Sources:</b>	<b>Max Throughputs:</b>	<b>Pollutants:</b>
Solvent	3.959 gal/hr/applicator	VOC, HAPs

**SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS****APPLICABLE REGULATIONS:**

**401 KAR 59:010, New process operations.** Applicable to visible and particulate emissions from each emission point (listed above) commenced on or after July 2, 1975.

**401 KAR 60:005 New source performance standards.** Applicable to sources subject to 40 CFR 60 Subpart EE commenced on or after November 28, 1980. This regulation does not apply to the Solvent usage.

**401 KAR 63:020, Potentially hazardous matter or toxic substances.** State origin regulation.

1. **Operating Limitations:** None

2. **Emission Limitations:**

- a. ***Opacity Standard:*** Pursuant to 401 KAR 59:010, Section 3 (1), visible emissions shall not equal or exceed 20 percent opacity, as determined with Reference Method 9, Appendix A 40 CFR 60.

**Compliance demonstration:** The permittee shall demonstrate compliance through monitoring and maintenance of the records as specified in points 4. **Specific Monitoring Requirements** and 5. **Specific Record Keeping Requirements** below.

- b. ***Mass Emission Standard for particulate emissions from all emission points:*** Pursuant 401 KAR 59:010, Section 3 (2), hourly particulate emissions for each emission point as measured by Reference Method 5, Appendix A 40 CFR 60, shall not exceed the limit calculated by the following equation:

$$E'_{PT} = 3.59 \cdot P^{0.62}$$

Where  $E'_{PT}$  is the particulate emission in lbs/hour and P is the process weight (i.e. the maximum amount of solid scraps/wastes produced or maximum amount of output product) in tons/hour. If the process weight is less than or equal to 0.5 ton/hour, the particulate matter emission limitation shall be 2.34 lbs/hour.

**Compliance demonstration:** Section 4 (5), the process weight shall be determined in average hourly tons by averaging the daily process weight rate over daily hours of operation. Particulate emissions shall be calculated by the following equation:

$$E_{PT} = P \cdot PT_{EF}$$

Where  $E_{PT}$  is particulate emissions in lbs/hr, P is averaged process weight in tons/hr and  $PT_{EF}$  is the KYEIS particulate emission factor in lbs/ton of process weight.

- c. ***VOC Emission Standard:*** 40 CFR 60, Subpart EE, Section 60:312 (a), on or after the date on which the initial performance test is conducted, the emissions of VOC shall not exceed 0.90 kilogram of VOC per liter (7.51 pounds of VOC per

**SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

gallon) of coating solids applied (volume-weighted calendar month average). See **SECTION D (2)**.

Compliance demonstration: compliance shall be determined by an initial performance test and monthly thereafter according to methods prescribed in 40 CFR 60, Subpart EE, Section 60.313.

**3. Testing Requirements:**

- a. Pursuant to Regulations 401 KAR 61:005 Section 2 (2) and 401 KAR 50:045 Section 1, performance testing using the Reference methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division.
- b. Pursuant to 40 CFR 60, Subpart EE, Section 60.313(b) & 60.316, the permittee shall conduct an initial performance test as required under 40 CFR 60, Subpart EE, Section 60.8(a) and thereafter compliance determination each calendar month for each affected facility. The monthly compliance determination shall be performed according to the procedures of 40 CFR 60, Subpart EE, Section 60.313 (c).
- c. Test methods and procedures shall be performed according to 40 CFR 60, Subpart EE, Section 60.316.

**4. Specific Monitoring Requirements: See **SECTION D (4)** and **Record Keeping Requirements** below.****5. Specific Record Keeping Requirements: See **SECTION D (5)**.**

- a. The permittee shall keep records in spreadsheet format of gallons of paint, thinner and clean-up solvent used on the coating line and VOC, Solid contents and HAP contents of each. At the end of each month, these records shall be summarized and tons per month VOC, PM/PM10 and HAP emissions calculated and recorded. Tons VOC, PM/PM10 and HAP emissions per 12 months shall also be recorded. Tons per 12 months shall represent a 12-month rolling total. These records must be maintained in spreadsheet format and demonstrate that the emissions are within the limits of this permit. These records, as well as purchase orders and invoices for all VOC and HAP containing materials, shall be made available for inspection upon request by any duly authorized representatives of the Division for Air Quality.
- b. Pursuant to 40 CFR 60, Subpart EE, Section 60.315:
  - i. The permittee shall maintain records of all data and calculations used to determine VOC emissions from each affected facility. Such records shall include, as a minimum the following:
    - A list of all coatings used during each calendar month;
    - The VOC content of each coating calculated from data determined using Reference Method 24 or supplied by the coating manufacturer;
    - The minimum transfer efficiency of any coating application equipment used during each month;
    - A list of all diluents VOC solvents used during each calendar month.

**SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS,  
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- ii The permittee shall identify and maintain a record of each instance in which the volume-weighted calendar month average of the total mass of VOCs emitted to the atmosphere per volume of applied coating solids is greater than 0.90 kilogram/ liters.
  - c. The permittee shall maintain a daily log of inspections and maintenance for the paint booth filters.
- 6. **Specific Reporting Requirements:** See **SECTION D** (6) and **SECTION F** (5). Pursuant to 40 CFR 60, Subpart EE, Section 60.315 (b), every calendar quarter, the permittee shall submit a written report to the London Regional Office identifying each instance in which the calendar month volume-weighted average of the total mass of VOCs emitted to the atmosphere per volume of applied coating solids exceeded 0.90 kilogram of VOC per liter of coating solids applied. If no such instances occurred during a particular quarter, a report stating this shall be submitted semiannually in January and July.
- 7. **Specific Control Equipment Operating Conditions:**
  - a. The panel filters to control particulates shall be in place and operational at all times when the affected facility is operating and shall be maintained in accordance with the manufacturer's specifications.
- 8. **Alternate Operating Scenarios:** None
- 9. **Compliance Schedule:** None
- 10. **Compliance Certification Requirements:** See **SECTION F** (7).

**SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS****GROUP REQUIREMENTS:****03 (03)      Partition Manufacturing, construction commenced: December 30, 1997**

**Description:** The emission point includes cut off saws, routers, notchers, drills, edgers, banders, sanders, dusters and gluing equipped with a single stage cyclone. The materials used are high-density polyethylene board stock, phenolic board stock, particleboard stock, and plastic laminate.

**Annual hours of operation:** 8760 hours/year

**Control Device:** Single stage cyclone

**Emission Sources:**

Raw materials

**Max Throughputs:**

1.82 ton/hr

**Pollutants:**

PM10, PT

**APPLICABLE REGULATIONS:**

**401 KAR 59:010, New process operations.** Applicable to visible and particulate emissions from each emission point (listed above) commenced on or after July 2, 1975.

1. **Operating Limitations:** None

2. **Emission Limitations:**

- a. ***Opacity Standard:*** Pursuant to 401 KAR 59:010 Section 3 (1), visible emissions shall not equal or exceed 20 percent opacity, as determined with Reference Method 9, Appendix A 40 CFR 60.

Compliance demonstration: The permittee shall demonstrate compliance through monitoring and maintenance of the records as specified in points 4. **Specific Monitoring Requirements** and 5. **Specific Record Keeping Requirements** below.

- b. ***Mass Emission Standard for particulate emissions from all emission points:*** Pursuant to 401 KAR 59:010 Section 3 (2), hourly particulate emissions for each emission point as measured by Reference Method 5, Appendix A 40 CFR 60, shall not exceed the limit calculated by the following equation:

$$E = 3.59 \cdot P^{0.62}$$

Where E is the particulate emission in lbs/hour and P is the process weight (i.e. the maximum amount of solid scraps/wastes produced or maximum amount of output product) in tons/hour. If the process weight is less than or equal to 0.5 ton/hour, the particulate matter emission limitation shall be 2.34 lbs/hour. See **SECTION D (2)**.

Compliance demonstration: Section 4 (5), the process weight shall be determined in average hourly tons by averaging the daily process weight rate over daily hours of operation. Particulate emissions shall be calculated by the following equation:

$$E = P \cdot EF$$



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Where E is particulate emissions in lbs/hr, P is averaged process weight in tons/hr and EF is the KYEIS particulate emission factor in lbs/ton of process weight.

3. **Testing Requirements:** Pursuant to Regulations 401 KAR 61:005 Section 2 (2) and 401 KAR 50:045 Section 1, performance testing using the Reference methods specified in 401 KAR 50:015 shall be conducted as required by the Division.
4. **Specific Monitoring Requirements:**
  - a) The permittee shall monitor the monthly hours of operation and the total monthly input of raw materials of each process unit at each emission point.
  - b) For each stack, vent or control system:
    - i. Weekly observations of visible emissions during operation of associated equipment.
    - ii. Observations of visible emissions during all periods of control equipment malfunction.  
If visible emissions are seen during the observation, Method 9 shall be used to determine the opacity.
    - iii. Annual Method 9 readings during operation of associated equipment.
5. **Specific Record Keeping Requirements:**
  - a) Monthly records shall be maintained of the total input of all raw materials and hours of operation of each process unit at each emission point.
  - b) For each stack, vent or control system, a log shall be kept of all emission observations. Notation in the weekly log shall be made as follows:
    - i. Weekly observations of visible emissions during operation of associated equipment.
    - ii. Observations of visible emissions during all periods of control equipment malfunction.  
If visible emissions are seen during the observation, Method 9 shall be used to determine the opacity.
    - iii. Annual Method 9 readings during operation of associated equipment..
6. **Specific Reporting Requirements:** See SECTION D (6) and SECTION F (5).
7. **Specific Control Equipment Operating Conditions:** The single stage cyclone shall be in place and operational at all times when partition manufacturing is occurring and shall be maintained in accordance with the manufacturer's specifications.
8. **Alternate Operating Scenarios:** None
9. **Compliance Schedule:** None
10. **Compliance Certification Requirements:** See SECTION F (7).

**SECTION C – INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030 Section 6. While these activities are designated as insignificant, the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

#	Description	Generally Applicable Regulation
1	Welding line	401 KAR 59:010
2	Spot Welding	401 KAR 59:010
3	Plasma Torch Cutting	401 KAR 59:010
4	Make-Up Heat – 1.89 MMBTU/hr	None
5	Paint Oven – 1.6 MMBTU/hr	None
6	Flash Tunnel – 0.05 MMBTU/hr	None
7	Comfort Heat – 1.75 MMBTU/hr	None

## SECTION D – SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

As required by Section 1 (b) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources*, incorporated by reference in 401 KAR 52:030 Section 10, compliance with annual emissions and processing limitations contained in this permit shall be based on emissions and processing rates for any twelve (12) consecutive months.

PM/ PM10, VOC and HAP emissions from the entire facility shall not exceed the limits set below.

1. **Operating Limitations:** None
2. **Emission Limitations:** In order to maintain Conditional Major status, facility emissions shall not exceed the limits listed below:
  - a. ***PM/PM10:*** To preclude Major Source Title V review, PM/PM10 emissions from the entire facility, including insignificant activities, shall be less than 95 tons/yr based on the following equation:

$$\sum_{i=1}^{12} \sum_{j=1}^n \left( \frac{P_j \cdot PM / PM10_{EFj}}{2000} \right) \cdot A_j \cdot B_j \cdot t_{ij} \leq 95 \text{ TPY}$$

Where  $P_j$  is the hourly process rate,  $PM/PM10_{EFj}$  is the corresponding KYEIS PM/PM10 emission factor in lbs/process rate unit,  $A_j$  is the capture efficiency,  $B_j$  is the control efficiency of any integral control device,  $t_{ij}$  is the corresponding hours in operation/month, and  $n$  is the number of affected units emitting PM/PM10.

- b. ***VOC:*** To preclude Major Source Title V review, volatile VOC emissions from the entire facility, including insignificant activities, shall be less than 95 tons/yr based on the following equation:

$$\sum_{i=1}^{12} \sum_{j=1}^n \left( \frac{P_j \cdot VOC_{EFj}}{2000} \right) \cdot A_j \cdot B_j \cdot t_{ij} \leq 95 \text{ TPY}$$

Where  $P_j$  is the hourly process rate,  $VOC_{EFj}$  is the corresponding KYEIS VOC emission factor in lbs/process rate unit,  $A_j$  is the capture efficiency,  $B_j$  is the control efficiency of any integral control device,  $t_{ij}$  is the corresponding hours in operation/month, and  $n$  is the number of affected units emitting VOC.

- c. ***HAPS:*** To preclude Major Source Title V review, HAP emissions from the entire facility, including insignificant activities:
      - i. Shall be less than 9.5 tons/yr individual HAP based on the following equation:

$$\sum_{i=1}^{12} \sum_{j=1}^n \left( \frac{P_j \cdot HAP\%_j \cdot HAP_{EFj}}{2000} \right) \cdot A_j \cdot B_j \cdot t_{ij} \leq 9.5 \text{ TPY}$$

## SECTION D – SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

Where  $P_j$  is the hourly process rate,  $HAP\%_j$  is the HAP volume or weight % corresponding to the process rate units,  $HAP_{EFj}$  is the KYEIS HAP emission factor in lbs/process rate unit,  $A_j$  is the capture efficiency,  $B_j$  is the control efficiency of any integral control device,  $t_{ij}$  is the corresponding hours in operation/month, and  $n$  is the number of affected units emitting HAPs.

- ii. Shall be less than 22.5 tons/yr combined HAP based on the following equation:

$$\sum_{i=1}^{12} \sum_{j=1}^n \sum_{k=1}^m \left( \frac{P_j \cdot HAP\%_k \cdot HAP_{EFk}}{2000} \right) \cdot A_k \cdot B_k \cdot t_{ij} \leq 22.5 \text{ TPY}$$

Where  $n$  is the unit number,  $m$  is individual HAP,  $P_j$  is the hourly process rate,  $HAP\%_k$  is the individual HAP volume or weight % corresponding to the process rate units,  $HAP_{EFk}$  is the KYEIS individual HAP emission factor in lbs/process rate unit,  $A_k$  is the capture efficiency and  $B_k$  is the control efficiency of any integral control device and  $t_{ij}$  is the corresponding hours in operation/year.

3. **Testing Requirements:** None
4. **Specific Monitoring Requirements:** None.
5. **Specific Record Keeping Requirements:** Record keeping consisting of all materials used, including those used in insignificant activities, with HAP content for each and total individual and combined HAP emissions shall be kept monthly. The total individual and combination HAPS shall be summarized each month and a 12-month rolling total shall be calculated. See **SECTION B 5. Specific Record Keeping Requirements** for other individual point requirements.
6. **Specific Reporting Requirements:** Semiannual reports shall be sent to the Division's London Regional Office by January 30 and July 30 each year. The reports should show the summarized monthly and 12-month rolling total individual and combination HAPs as required in 5. **Specific Record Keeping Requirements** above.
7. **Specific Control Equipment Operating Conditions:** None
8. **Alternate Operating Scenarios:** None
9. **Compliance Schedule:** None
10. **Compliance Certification Requirements:** Annual compliance certification must certify compliance with the emission limitations set in 2. **Emission Limitations** above. See **SECTION F (9)**.

## **SECTION E – SOURCE CONTROL EQUIPMENT REQUIREMENTS**

1. Pursuant to 401 KAR 50:055 Section 2 (5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. Pursuant to 401 KAR 50:012 Section 1 (1), in the absence of a specific regulatory standard, all air contaminant sources shall, as a minimum, apply control procedures that are reasonable, available and practical.

**SECTION F – MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. Pursuant to Section 1 (b)(IV)(1) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place (as defined in this permit), and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, original strip chart recordings, and copies of all reports required by the Division for Air Quality shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3 (1)(f)(1a) and Section 1 (a)(7) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
3. In accordance with the requirements of 401 KAR Section 3 (1)(h), the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substance or parameters to assure compliance with the permit or any applicable requirementsReasonable times are defined as during all hours of operation, during normal office hours, or during and emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.
6. The semi-annual reports are due by January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services

## SECTION F – MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3 (3). All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. All deviations from permit requirements shall be clearly identified in the reports.

7. In accordance with the provisions of 401KAR 50:055 Section 1, the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown or immediately following the decision to shut down if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements, including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above), to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5 [Section 1 (b)(V)(3) and (4) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
9. Pursuant to 401KAR 52:030 Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
  - a. Identification of each term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period;
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit;
  - f. Other facts the Division may require to determine the compliance status of the source; an
  - g. The certification shall be postmarked by January 30th of each year. **Annual compliance certifications should be mailed to the following addresses:**

## **SECTION F – MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

Division for Air Quality  
London Regional Office  
875 S. Main Street  
London, KY 40741

U.S. EPA Region 4  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St  
Atlanta, GA 30303-8960

Division for Air Quality  
Central Files  
200 Fair Oaks Lane, 1<sup>st</sup> Floor  
Frankfort, KY 4060

- h. In accordance with 401KAR 52:030 Section 3 (1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.



**SECTION G – GENERAL PROVISIONS****1. General Compliance Requirements**

- a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
  - (4) New requirements become applicable to a source subject to the Acid Rain Program.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 7 and 8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:020 Section 3(1)(c)].
- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

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- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-15-b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fee within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a-10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3) 2.].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3) 4.].
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3) 1.].
- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:

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- (1) Applicable requirements that are included and specifically identified in the permit and
- (2) Non-applicable requirements expressly identified in this permit.

### 10. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit
- b. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

### 11. Permit Revisions

- a. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

### 4. Testing Requirements

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than

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110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.

- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

**5. Acid Rain Program Requirements**

- a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
- b. The permittee shall comply with all applicable requirements and conditions of the Acid Rain Permit and the Phase II permit application (including the Phase II NO<sub>x</sub> compliance plan and averaging plan, if applicable) incorporated into the Title V permit issued for this source. The source shall also comply with all requirements of any revised or future acid rain permit(s) issued to this source.

**6. Emergency Provisions**

- a. Pursuant to 401 KAR 52:030 Section 23 (1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - 1. An emergency occurred and the permittee can identify the cause of the emergency;
  - 2. The permitted facility was at the time being properly operated;
  - 3. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - 4. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken
  - 5 This requirement does not relieve the source of other local, state or federal notification requirements
- b. Emergency conditions listed in General Provision G (f)(1) above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 24 (3)].
- c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an

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emergency shall have the burden of proof [401 KAR 52:030 Section 24 (2)].

### 7. Ozone Depleting Substances

- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  1. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  2. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  3. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  4. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
  5. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  6. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

### 9. Risk Management Provisions

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 1515  
Lanham-Seabrook, MD 20703-1515.

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

**SECTION H – ALTERNATE OPERATION SCENARIOS**

None

**SECTION I – COMPLIANCE SCHEDULE**

None